

Remarks

In the present amendment, Applicants have canceled claims 24 and 25 without prejudice or disclaimer, amended claims 15, 22 and 23 and added substitute claims 53 to 60 to better define the claimed invention. Applicants respectfully submit that no new prohibited matter has been introduced by this Preliminary Amendment. Written description support for the amendments to the claims can be found throughout the specification and in the original, as-filed claims.

Response to Restriction Requirement

In response to the Office Action dated December 12, 2005 Applicants hereby elect to prosecute the claims of Group II (claims 15, 22, 23, 25 and 26, drawn to a method of treating a disease) with traverse. Applicants submit that all of the amended claims and new claims are drawn toward the elected invention.

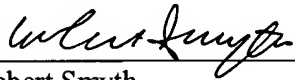
In response to the species election requirement, Applicants elect vaginal mucosa as the specific mucosa which the formulation is contacted for item (a), and UC-781 as the therapeutic agent for item (b). For item (c), Applicants elect the formulation set forth in new claim 55 which defines the specific composition. For item (d), Applicants elect a synthetic fluid suitable for vaginal use (*i.e.*, a synthetic vaginal fluid). For item (e), Applicants elect two properties of the composition that is recited in claim 22. Applicants assume, however, that the Examiner meant to refer to claim 22 rather than claim 8 because the latter claim was not part of the elected group of claims. For item (f), Applicants elect pH and osmolality as the two properties of the composition recited in claim 22 and again assume that the Examiner intended to refer to claim 22 because it recites the same elements as claim 8 but is a part of the elected group of claims. Applicants submit that no election is required for item (g) because SCM was not chosen in item (a). For item (h), Applicants elect HIV infection as the disease to be treated or prevented.

With regard to the traversal, Applicants note the Examiner's restriction between two method claims (*e.g.*, claims 1 and 15) which require the same step (*i.e.*, contacting the mucosa with a composition containing a therapeutic agent and a synthetic fluid suitable for vaginal use). Furthermore, all of the dependent claims in each group provide the same limitations in that they define the properties of the composition to be administered. As such, Applicants submit that there would be no undue burden on the Examiner to search all of the claims in Groups I and II. Applicants therefore request rejoinder of the claims in Groups I and II with the understanding that upon rejoinder, the species election in Group II will also be applicable to the claims in Group I.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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Respectfully submitted,
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